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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Argentina, Armenia, Australia, Austria, Chile, Croatia, Denmark, Estonia, Finland, Germany, Hungary, Italy, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Paraguay, Poland, Slovenia, Switzerland, the former Yugoslav Republic of Macedonia and United Kingdom of Great Britain and Northern Ireland: draft resolution

Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

The General Assembly,

Recalling its resolution 47/135 of 18 December 1992, by which it adopted the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities annexed to that resolution, and bearing in mind article 27 of the International Covenant on Civil and Political Rights[1] as well as other relevant existing international and regional standards and national legislation,

Recalling also its subsequent resolutions on the effective promotion of the Declaration, as well as Human Rights Council resolutions 6/15 of 28 September 2007[2] and 19/23 of 23 March 2012,[3] by which the Council established and renewed the mandate of the Forum on Minority Issues, 16/6 of 24 March 2011[4] and 25/5 of 11 April 2014[5] on the mandate of the Independent Expert on minority issues, 18/3 of 29 September 2011 on the panel to commemorate the twentieth anniversary of the

[1] See resolution 2200 A (XXI), annex.
[2] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. I, sect. A.
[3] Ibid., *Sixty-seventh Session, Supplement No. 53* and corrigendum (A/67/53 and Corr.1), chap. III, sect. A.
[4] Ibid., *Sixty-sixth Session, Supplement No. 53* (A/66/53), chap. II, sect. A.
[5] Ibid., *Sixty-ninth Session, Supplement No. 53* (A/69/53), chap. IV, sect. A.

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adoption of the Declaration[6] and 22/4 of 21 March 2013 on the rights of persons belonging to national or ethnic, religious and linguistic minorities,[7]

Affirming that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities and dialogue between these minorities and the rest of society, as well as the constructive and inclusive development of practices and institutional arrangements to accommodate diversity within societies, contribute to political and social stability and the prevention and peaceful resolution of conflicts involving the rights of persons belonging to national or ethnic, religious and linguistic minorities,

Welcoming the adoption of the 2030 Agenda for Sustainable Development,[8] of which the Addis Ababa Action Agenda of the Third International Conference on Financing for Development[9] is an integral part, recalling that the Goals and targets seek to realize the human rights of all, and stressing the need for Member States to integrate the 2030 Agenda into their respective national policies and development frameworks, as appropriate, to promote the effective implementation of, and follow-up and review to, the 2030 Agenda, in order to ensure that no one is left behind,

Expressing concern at the frequency and severity of disputes and conflicts involving persons belonging to national or ethnic, religious and linguistic minorities in many countries and their often tragic consequences, and that such persons often suffer disproportionately from the effects of conflicts resulting in the violation of their human rights and are particularly vulnerable to displacement through, inter alia, population transfers, revocation of previously held identity documents, refugee flows and forced relocation,

Emphasizing the important role that national institutions can play in the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities as well as in early warning and awareness-raising measures to address problems regarding minority situations,

Emphasizing also the need for reinforced efforts to meet the goal of the full realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities, including by addressing economic and social conditions and marginalization, as well as to end any type of discrimination against them,

Emphasizing further the importance of recognizing and addressing multiple, aggravated and intersecting forms of discrimination against persons belonging to national or ethnic, religious and linguistic minorities and the compounded negative impact upon the enjoyment of their rights,

Emphasizing the fundamental importance of human rights education, training and learning as well as of dialogue, including intercultural and interfaith dialogue, and interaction among all relevant stakeholders and members of society on the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities as an integral part of the development of society as a whole, including the sharing of best practices such as for the promotion of

[6] Ibid., *Sixty-sixth Session, Supplement No. 53A* and corrigendum (A/66/53/Add.1 and Corr.1), chap. II.

[7] Ibid., *Sixty-eighth Session, Supplement No. 53* (A/68/53), chap. IV, sect. A.

[8] Resolution 70/1.

[9] Resolution 69/313, annex.

mutual understanding of minority issues, managing diversity by recognizing plural identities and promoting inclusive and stable societies as well as social cohesion therein,

Acknowledging that the United Nations has an important role to play regarding the protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities by, inter alia, taking due account of, and giving effect to, the Declaration,

Welcoming the publication entitled *Promoting and Protecting Minority Rights: A Guide for Advocates*[10] by the Office of the United Nations High Commissioner for Human Rights, which provides information on main actors working on the rights of persons belonging to national or ethnic, religious and linguistic minorities in the United Nations and in key regional organizations and which constitutes a valuable tool for advocates working on this issue worldwide,

Recognizing the important role played by the Special Rapporteur on minority issues in promoting the implementation of the Declaration,

1. *Reaffirms* the obligation of States to ensure that persons belonging to national or ethnic, religious and linguistic minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law, as proclaimed in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,[11] and draws attention to the relevant provisions of the Durban Declaration and Programme of Action,[12] including the provisions on forms of multiple discrimination;

2. *Urges* States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration, including through the encouragement of conditions for the promotion of their identity, the provision of adequate education and the facilitation of their participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development of their country, without discrimination, and to apply a gender perspective while doing so;

3. *Urges* States to take all appropriate measures, inter alia, constitutional, legislative, administrative and other measures, for the promotion and implementation of the Declaration, and appeals to States to cooperate bilaterally and multilaterally, in particular on the exchange of best practices and lessons learned, in accordance with the Declaration, in order to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities;

4. *Calls upon* States, with a view to enhancing the implementation of the Declaration and to ensuring the realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities, to take appropriate measures by, inter alia:

(a) Reviewing any legislation, policy or practice that has a discriminatory or disproportionately negative effect on persons belonging to national or ethnic, religious and linguistic minorities with a view to considering its amendment;

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[10] United Nations publication, Sales No. E.13.XIV.1.

[11] Resolution 47/135, annex.

[12] See A/CONF.189/12 and Corr.1, chap. I.

(b) Developing awareness-raising and training initiatives, including for public officials, judges, prosecutors and law enforcement officials, on the rights contained in the Declaration;

(c) Dedicating departments, sections or focal points within existing institutions or considering the establishment of specialized national institutions or agencies to address the rights of persons belonging to national or ethnic, religious and linguistic minorities;

(d) Undertaking initiatives to ensure that persons belonging to national or ethnic, religious and linguistic minorities are aware of and able to exercise their rights as set out in the Declaration and in other international human rights obligations and commitments;

5. *Recommends* that States and other relevant actors ensure to the fullest extent possible that the Declaration is translated into all minority languages and disseminated widely;

6. *Recommends* that States ensure that all measures taken with a view to implementing the Declaration are, to the fullest extent possible, developed, designed, implemented and reviewed with the full, effective and equal participation of persons belonging to national or ethnic, religious and linguistic minorities;

7. *Calls upon* States to give special attention to the situation and specific needs of women, children, older persons and persons with disabilities belonging to minorities while promoting and protecting the rights of persons belonging to national or ethnic, religious and linguistic minorities;

8. *Encourages* States, in their follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to include aspects relating to persons belonging to national or ethnic, religious and linguistic minorities in their national plans of action and, in this context, to take forms of multiple discrimination fully into account;

9. *Calls upon* States to integrate the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, as well as effective non-discrimination and equality for all, into strategies for the prevention and resolution of conflicts involving these minorities, while ensuring their full and effective participation in the design, implementation and evaluation of such strategies;

10. *Recommends* that States adopt holistic, inclusive and non-discriminatory security and policing strategies, which are important elements in preventing and combating discrimination and violence against persons belonging to national or ethnic, religious and linguistic minorities, including racial profiling, and encourages States to develop and implement these strategies with the participation of the minority communities and incorporate them into wider law enforcement and protection strategies and ensure equal and effective access to justice;

11. *Condemns* all acts of violence perpetrated by terrorist and associated armed groups against persons belonging to national or ethnic, religious and linguistic minorities;

12. *Recognizes* that women and girls belonging to national or ethnic, religious and linguistic minorities are exposed to both gender-based forms of

violence and violence on the grounds of their belonging to minorities in conflict and post-conflict situations, and urges States to take special measures to empower women and girls and to protect them from all forms of violence, including rape and other forms of sexual violence;

13. *Calls upon* States to take all appropriate measures to ensure the protection and care of children belonging to national or ethnic, religious and linguistic minorities who are at risk of or have experienced violence, in accordance with relevant obligations under the Convention on the Rights of the Child;[13]

14. *Expresses* its appreciation for the successful completion, in November 2014, of the seventh session of the Forum on Minority Issues, on the theme "Preventing and addressing violence and atrocity crimes targeted against minorities", which, through the widespread participation of stakeholders, provided an important platform for promoting dialogue on this topic and, as part of its outcome, produced recommendations to prevent violence and other serious crimes, to address ongoing violence and post-violence situations,[14] and encourages States to take into consideration the relevant recommendations of the Forum;

15. *Invites* States, United Nations mechanisms, bodies, specialized agencies, funds and programmes, regional, intergovernmental and non-governmental organizations and national human rights institutions as well as academics and experts on minority issues to continue to participate actively in the sessions of the Forum;

16. *Reaffirms* that the universal periodic review, as well as the United Nations human rights treaty bodies, constitute important mechanisms for the promotion and protection of human rights and fundamental freedoms, in that regard calls upon States to effectively follow up on accepted universal periodic review recommendations related to the rights of persons belonging to national or ethnic, religious and linguistic minorities, and further encourages States parties to give serious consideration to the follow-up to treaty body recommendations on the matter;

17. *Commends* the Special Rapporteur for the work that has been done and the important role played in raising the level of awareness of and in giving added visibility to the rights of persons belonging to national or ethnic, religious and linguistic minorities, and for her guiding role in the preparations for and the work of the Forum, which contributes to efforts to improve cooperation and coordination among all United Nations mechanisms relating to the rights of persons belonging to minorities;

18. *Calls upon* all States to cooperate with and assist the Special Rapporteur in the performance of the tasks and duties mandated to her, to provide her with all the necessary information requested and to seriously consider responding promptly and favourably to the requests of the Special Rapporteur to visit their countries in order to enable her to fulfil her duties effectively;

19. *Encourages* the specialized agencies, regional organizations, national human rights institutions and non-governmental organizations to develop regular dialogue and cooperation with the mandate holder as well as to continue to contribute to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities;

[13] United Nations, *Treaty Series*, vol. 1577, No. 27531.
[14] See A/HRC/28/77.

20. *Calls upon* the United Nations High Commissioner for Human Rights to continue to promote, within his mandate, the implementation of the Declaration, and to engage in a dialogue with Governments for that purpose and regularly update and disseminate widely the United Nations Guide for Minorities;

21. *Welcomes* the inter-agency cooperation among United Nations agencies, funds and programmes on minority issues, led by the Office of the United Nations High Commissioner for Human Rights, and urges them to further increase their coordination and cooperation by, inter alia, developing policies on the promotion and protection of the rights of persons belonging to minorities, drawing also on relevant outcomes of the Forum and taking into account the work of relevant regional organizations;

22. *Takes note in particular*, in this regard, of the initiatives and activities of the United Nations network on racial discrimination and the protection of minorities, coordinated by the Office of the High Commissioner and aimed at enhancing dialogue and cooperation between relevant United Nations agencies, funds and programmes, and invites the network to continue cooperating with the Special Rapporteur on minority issues and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and to consult and engage with persons belonging to national or ethnic, religious and linguistic minorities and civil society actors;

23. *Invites* the High Commissioner to continue to seek voluntary contributions to facilitate the effective participation of representatives of non-governmental organizations and persons belonging to national or ethnic, religious and linguistic minorities, in particular those from developing countries, in minority-related activities organized by the United Nations, in particular the activities of its human rights bodies and of the Forum, and in doing so to give particular attention to ensuring the participation of young people and women;

24. *Welcomes*, in this regard, the decision of the Human Rights Council to establish a special fund for the participation of civil society and other relevant stakeholders in, inter alia, the Forum on Minority Issues,[15] aiming to facilitate the broadest possible participation of civil society representatives and other relevant stakeholders, with particular attention being paid to participants from least developed countries, and calls upon States to support the participation of civil society and other relevant stakeholders in the Forum on Minority Issues and, to that end, to make voluntary contributions to the special fund;

25. *Calls upon* the Secretary-General to make available, at the request of Governments concerned, qualified expertise on minority issues, including in the context of the prevention and resolution of disputes and conflicts, to assist in resolving existing or potential situations involving minorities;

26. *Invites* the human rights treaty bodies, as well as special procedures of the Human Rights Council, to continue to give attention, within their respective mandates, to situations and rights of persons belonging to national or ethnic, religious and linguistic minorities and, in this regard, to take into consideration relevant recommendations of the Forum;

[15] See *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 53A* (A/68/53/Add.1).

27. *Invites* the United Nations mechanisms and bodies, the specialized agencies and regional organizations, within their respective mandates, to continue to contribute to the protection of rights of persons belonging to national or ethnic, religious and linguistic minorities, including by strengthening cooperation in respect of information gathering and improving the information flow between themselves and with States;

28. *Encourages* regional intergovernmental bodies, within their respective regions, to promote greater attention to the rights of persons belonging to national or ethnic, religious and linguistic minorities by, inter alia, actively raising awareness of and promoting the Declaration in their work, encouraging its implementation at the national level and considering the creation of thematic and/or special mechanisms on this issue;

29. *Encourages* national human rights institutions to pay due attention to the rights of persons belonging to national or ethnic, religious and linguistic minorities by, inter alia, considering the establishment of, for instance, a department, section or focal point within their secretariats to address those rights and to play a role in stopping violence, including by monitoring situations of potential threats for persons belonging to national or ethnic, religious and linguistic minorities, and by investigating and reporting episodes of targeted violence against persons belonging to minorities, including, when necessary, to regional and international bodies;

30. *Encourages* civil society, including non-governmental organizations, to promote awareness of the Declaration and to review the extent to which it integrates the rights of persons belonging to national or ethnic, religious and linguistic minorities and the Declaration into its work, as well as to inform persons belonging to national or ethnic, religious and linguistic minorities about their rights;

31. *Welcomes* the reports of the Special Rapporteur on minority issues and their special focus on addressing violence and atrocities against persons belonging to national or ethnic, religious and linguistic minorities[16] and minorities and the criminal justice process;[17]

32. *Requests* the Special Rapporteur to report annually to the General Assembly and include recommendations for effective strategies for the better implementation of the rights of persons belonging to national or ethnic, religious and linguistic minorities;

33. *Takes note* of the report of the Secretary-General on the effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;[18]

34. *Takes note with appreciation* of the note by the Secretary-General on racial discrimination and protection of minorities providing guidance for the United Nations system on how to address racial discrimination and the protection of persons belonging to national or ethnic, religious and linguistic minorities and aimed at, inter alia, integrating their rights into the work of the United Nations system at the global, regional and country levels, including through coordination mechanisms;

[16] A/69/266.
[17] A/70/212.
[18] A/70/255.

35. *Requests* the Secretary-General to submit to the General Assembly at its seventy-second session a report on the implementation of the present resolution, including information on activities undertaken by Member States, the Office of the High Commissioner, the Special Rapporteur on minority issues, relevant United Nations entities and other relevant stakeholders to enhance the implementation of the Declaration and to ensure the realization of the rights of persons belonging to national or ethnic, religious and linguistic minorities;

36. *Decides* to continue consideration of the question at its seventy-second session under the item entitled "Promotion and protection of human rights".